

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division

EILEEN CARTER, Administrator of the Estate of
HERMAN LEE CARTER, JR., Deceased,

Plaintiff,

v.

Case No. 3:12cv322

SPENCER JONES
and
CORPORATION OF THE PRESIDENT OF
THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS,

Defendants.

**ORDER APPROVING SETTLEMENT AND
COMPROMISE OF CLAIM FOR WRONGFUL DEATH**

This day came the parties, by counsel, upon Defendants' Petition for Approval of Compromise of Claim of Death by Wrongful Act and the matter was heard. Upon consideration whereof, it appearing to the Court that all parties necessary to be convened have been convened;

And it further appearing that while Spencer Jones and Corporation of the President of The Church of Jesus Christ of Latter-day Saints deny liability in the death of Herman Lee Carter, Jr. on the 29th day of November, 2011, Corporation of the President of The Church of Jesus Christ of Latter-day Saints has offered the total sum of Two Million and 00/100 Dollars (\$2,000,000.00), in full compromise settlement of all claims and damages and costs against them or that may be made against them and their past, present, and future officers, directors, stockholders, attorneys, agents, servants, representatives, employees, subsidiaries, affiliates, partners, predecessors and successors in interest and assigns, and all other persons, firms, or

corporations with whom any of the former have been, are now, or may hereafter be affiliated with, them arising from the death of Herman Lee Carter, Jr. and on account of this action;

And it further appearing to the Court that Eileen Carter, Herman Lee Carter, III, Donte Javon Carter, and Donnell Devon Carter, who are all of the competent beneficiaries who would be entitled under Virginia Code §8.01-53 to the damages recoverable in this action, have consented to said offer of compromise and settlement and have appeared and requested that said compromise be approved;

And it further appearing to the Court that Donte Javon Carter, adult son of Herman Lee Carter, Jr. has been convicted of a felony and is currently incarcerated and is, therefore, deemed to be a person under a disability pursuant to Virginia Code section 8.01-2 (6)(a);

And it further appearing to the Court that Mary Elizabeth Davis, Esquire has been appointed guardian *ad litem* to represent the interests of Donte Javon Carter;

And it further appearing to the Court that Herman Lee Carter, III, Donte Javon Carter, and Donnell Devon Carter have each voluntarily and knowingly waived any claim to the proceeds of the aforesaid compromise settlement.

And the Court, being of the opinion that said offer of settlement is a reasonable one and one that is advantageous to the beneficiaries inasmuch as the questions of liability and the extent of damages are uncertain, does hereby approve said settlement and compromise in the amount of Two Million and 00/100 Dollars (\$2,000,000.00), such settlement and compromise to be in full settlement of any and all claims and damages which may or can be made against Spencer Jones and Corporation of the President of The Church of Jesus Christ of Latter-day Saints, or their past, present, and future officers, directors, stockholders, attorneys, agents, servants, representatives, employees, subsidiaries, affiliates, partners, predecessors and successors in interest and assigns,

and all other persons, firms, or corporations with whom any of the former have been, are now, or may hereafter be affiliated with them, arising from the death of Herman Lee Carter, Jr., does further **ORDER** and **ADJUDGE** that plaintiffs recover such sum from Corporation of the President of The Church of Jesus Christ of Latter-day Saints.

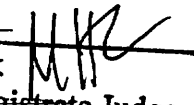
And it appearing to the Court that Eileen Carter, his wife, Herman Lee Carter, III, his son, Donte Javon Carter, his son, and Donnell Devon Carter, his son, and that said persons are the only persons entitled under Virginia Code §8.01-53 to share in the recovery hereinabove ordered; the court hereby **ORDERS** and **ADJUDGES** that the aforesaid recovery be paid to Eileen Carter, Administrator of the Estate of Herman Lee Carter, Jr., deceased, and, that Eileen Carter distribute the funds as follows:

1. \$666,000 to Rumsey & Bugg for reasonable attorney's fees;
2. \$4,656.58 to Rumsey & Bugg for reimbursement of litigation expenses
3. \$3,472.00 to Spotts Fain PC for the fee for the services of Mary Elizabeth Davis, Esquire as Guardian *Ad Litem*;
4. \$959,164.70 Prudential Assigned Settlement Services Corporation for the purchase of a structured settlement annuity for Eileen Carter;
5. \$366,706.72 to Eileen Carter, free from all debts and liabilities of the decedent

Thereupon, defendant Corporation of the President of The Church of Jesus Christ of Latter-day Saints, for itself and Spencer Jones, by counsel, in open court, paid the sum of Two Million and 00/100 Dollars (\$2,000,000.00) as aforesaid in full settlement and satisfaction of all liability now existing or which may hereafter be asserted against them, or either of them, for or on account of the death of Herman Lee Carter, Jr., and the Court hereby **ORDERS** that Corporation of the President of The Church of Jesus Christ of Latter-day Saints, Spencer Jones, The Church of Jesus Christ of Latter-day Saints, Corporation of the Presiding Bishop of The Church of Jesus Christ of Latter-day Saints, LDS Church Virginia Vehicle Trust, and Virginia Richmond Mission

of The Church of Jesus Christ of Latter-day Saints, and their past, present, and future officers, directors, stockholders, attorneys, agents, servants, representatives, employees, subsidiaries, affiliates, partners, predecessors and successors in interest and assigns, and all other persons, firms, or corporations with whom any of the former have been, are now, or may hereafter be affiliated with them be and they hereby are forever discharged from any such claim or liability.

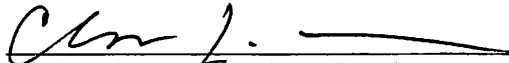
And the object of this proceeding having been accomplished, it is **ORDERED** that the same be stricken from the docket of this Court and the papers therein filed among the ended causes.

ENTER: _____ /s/ 
M. Hannah Lauck
United States Magistrate Judge

Judge

8/14/12

WE ASK FOR THIS:



Christopher J. Wiemken, Esquire
Virginia Bar No. 43299

James E. Brydges, Jr., Esquire
Virginia Bar No. 4420

Attorneys for Spencer Jones and Corporation of the
President of The Church of Jesus Christ of
Latter-day Saints

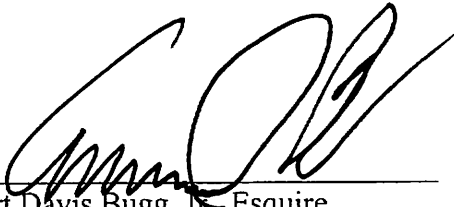
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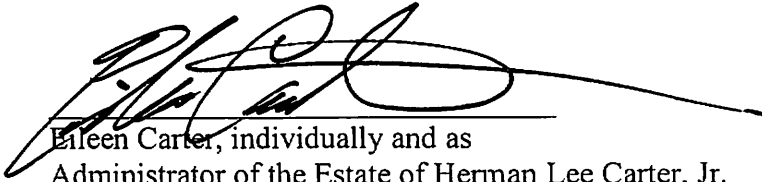
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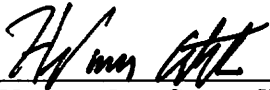
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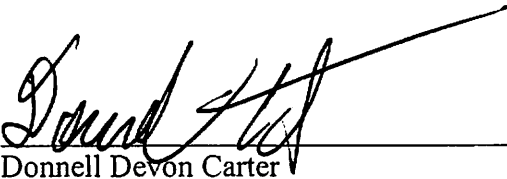
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Counsel for Plaintiff



Eileen Carter, individually and as
Administrator of the Estate of Herman Lee Carter, Jr.



Herman Lee Carter, III



Donnell Devon Carter



Mary Elizabeth Davis, Esquire
Spotts Fain PC
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Richmond, Virginia 23219
Guardian *Ad Litem* for Donte Javon Carter